

MINUTES
BOARD OF FORESTRY
August 2, 3, & 4, 1999
Sacramento, California

MEMBERS PRESENT:

Robert J. Kerstiens, Chairman
Raymond Flynn
Kirk Marckwald
Robert Heald
Tharon O'Dell
Darryl Young

BOARD STAFF PRESENT:

Christopher P. Rowney
Executive Officer
Daniel R. Sendek
Executive Officer, Foresters Licensing
Fran Henson, Committee Consultant
Donna Stadler, Executive Assistant

DEPARTMENTAL STAFF:

Andrea Tuttle, Director
Woody Allshouse, Chief Deputy Director
Ross Johnson, Deputy Director
Resource Management
Dean Lucke, Assistant Deputy Director
Dennis Hall, Regulations Coordinator

CALL TO ORDER

Chairman Kerstiens called the August 1999 Board of Forestry and Fire Protection meeting to order. He asked Director Tuttle to introduce the newest member to the Board of Forestry and Fire Protection.

Director Tuttle introduced Kirk Marckwald as the new public member, appointed by the Governor. She noted that Mr. Marckwald was the Under Secretary when Huey Johnson was the Resources Secretary and has a good background in resource issues. The seconded appointee is Supervisor Stan Dixon, Humboldt County. Mr. Dixon had a prior commitment, he will be at the next meeting.

MINUTES

Chairman Kerstiens asked for approval of the Board's July 1999 minutes.

99-08-1 Mr. Flynn moved to approve the June 1999 minutes as amended. Mr. O'Dell seconded the motion, and all were in favor.

Mr. Christopher Rowney, Executive Officer of the Board, advised the Board that there was an Errata to correct minutes of the June meeting. There was a misprint on the dollars for CFIP, it was printed as 22 million, and it should have read 2.2 million. He said that there should be a correction noted for the recorded.

99-08-2 Mr. Young moved to accept the Errata to the June 1999 minutes. Mr. Flynn seconded the motion, and all were in favor.

CHAIRMAN'S REPORT

Chairman Kerstiens reported that the Interim Committee met until 6:00 p.m. last evening and that member Heald chaired that meeting. He stressed the importance of reestablishing the Board's Standing Committees; Ecosystem, Forest Practice, and the Resource Protection Committees. These committees provide recommendations to the Board on fire related issues as well as forest practice and watershed issues.

DIRECTOR'S REPORT

Director Tuttle said that she agreed with the Chairman's assessment that the Committee that deals with fire issues, as well as the forest practice and ecosystem committees, is very important. She said that air quality issues; the Fire Plan; and the FireSafe Council are all a big part of what CDF is involved in.

Mr. Woody Allshouse, Chief Deputy Director, reported that last month CDF responded to 3,650 wildland fires for a total of 13,356 acres--there were a total of 29, 569 incidents YTD within the Department.

Chief Allshouse referred to his report last month regarding the personnel issues facing the Department. He said that the Executive Committee has been appointed and had its first Steering Committee meeting. The Executive Committee established three separate committees; Classification of Pay, Training and Development, and Recruitment and Retention. It has been chartered and committee chairs are currently selecting members. These committees are to report to the Executive Committee no later than January 1, 2000, while providing 30-day interim updates.

Chief Allshouse then reported on the passing of Fire Captain Murrell Agenbroad from Mendocino Ranger Unit.

Chief Allshouse said that Tanker 88, one of the new S2Ts, went into service in Grass Valley last week.

Chief Allshouse then reported that a Commissioner from Australia would be visiting the Department on August 15 and is interested in the Department's Incident Command System, fire fighting, and other fire prevention issues. He will be with the Department for five or six hours during his tour of the United States.

Chief Allshouse said that the Department entered into a study with UC Davis two years ago regarding the feasibility of CDF's current work uniforms and how they fit into the safety world. The Department has received recommendations from UC Davis and is currently conducting a 60-day test in the field. Also, new Nomex safety uniforms are being developed to provide more ventilation to the employees while providing more protection from the heat.

Chief Allshouse then reported that Joan Jennings, who had been Acting Fire Marshal, has accepted a position under Management Services OPHS with CDF. The authority on Fire Marshal issues rests with the Department's Executive Office. Craig Anthony will be assisting the Fire Marshal's Office until the CEA position is filled.

Chairman Kerstiens asked how many S2Ts would be available by the end of the Fire Season.

Chief Allshouse said that there would be five by the end of the season.

Mr. Flynn asked if there was a total suppression cost for the Trinity County Lowden incident.

Mr. Glen Newman, CDF Chief of the Coast-Cascade Region, said that the suppression cost for the state was approximately 3 million tax dollars, but the state will be reimbursed by the federal government. Chief Newman then summarized CDF's cost recovery program for the Board. He reported that a suspect has been arrested for 16 fires in Santa Clara County.

Chief Newman said that CDF through the Fire Marshal's Arson Unit teaches Anti-government Terrorist Awareness to other fire services and to police departments. CDF's law enforcement has been very successful. There was a fire extinguisher fraud going on in Marine County. The responsible individual was arrested and sentenced to one-year in the County jail with three years of felony probation.

Chief Newman said that the year-end books on the finances for the Coast-Cascade and the Sierra-South Regions have been closed.

Chief Newman said that the implementation of the respiratory protection program is being done in the Shasta-Trinity Unit now and is moving well.

Chief Newman said that the Coast-Cascade Unit is using the fire planners to assist in its fire control operations. Chief Newman then referred to his report and the tankers and hand crews are staffed. The Forest Learning Center has been initiated at Chamberlain Creek. The Multi-agency Incident Resource Processing System (MIRPS) has been at the Regional Office, now they are taking it to the Shasta-Trinity Ranger Unit so that they can track the resources. It was used successfully on the Lowden fire.

Chief Newman said that the Director visited the Latour Demonstration State Forest. The 1999 north timber sales felling began in June 1999. Estimated 4.1 million board feet will be harvested.

The campgrounds at Boggs Mountain were full over the July 4th weekend. He said that there would be a newsletter on the Jackson Demonstration State Forest for the Board to review in August. He said that under the nursery program, a little over one year ago, the Board toured its nursery program and it was obvious that CDF was short on staffing to be able to do what was needed under that program. A Budget Change Proposal was submitted and subsequently the Nurseries received the necessary staffing for both Davis and Magalia. He expressed his appreciation for the support of the Board and the Director. The revenue projections can be achieved with the additional staffing.

Chief Newman said that CDF has been looking at how it can replace the Fortuna facility. There is an old Safeway building near the Fortuna Headquarters that has been converted into offices. CDF has been exploring the possibility of using the 23,000 sq. ft. facility as a North Coast Resource Protection Center to include CDF, Fish and Game, Coastal Commission, and Water Quality. It is just a concept at this point in time.

Chief Newman said that the mobile home to be used as the facility for the Forest Learning Center on the Jackson Demonstration State Forest is in escrow.

Mr. Tim Turner, CDF Chief of the Sierra South Region, reviewed his report for the Board. He said that he would have a copy of his report for Board members by day's end.

Chief Turner said that there are six projects this month involving implementation of prefire management projects--three of them are burn projects.

Chief Turner said that CDF is accepting names of employees for the 2000 POST academy, which will begin in January 2000. He then said that arson fires are increasing in the Sierra South Region, largely due to the bomb threats that have been highly publicized. A fire extinguisher inspection program will be held in the San Luis Obispo-Santa Barbara area during September 1999. It is an Equal Opportunity Training Program.

Chief Turner then said the Sierra-South Region hired 46 limited-term Fire Captains, 168 limited-term Fire Apparatus Engineers and 55 limited-term Firefighters for the 1999 fire season. They conducted Equal Employment Opportunity counselor training in Riverside and hired a new Nurse Practitioner in Fresno. He said the field is receiving additional self-contained breathing apparatus to each engine.

Chief Turner then reviewed the fiscal management for Sierra-South for the Board. He said that he attended the statewide year-end review of the prior year fiscal reports. The Region preliminary projections for fiscal year 1998-1999 has a \$900,000 surplus.

Chief Turner said that all command centers have switched to the new Windows local network that replaces the non-Y2K Novell version. The State Fire Marshal's Code Enforcement Office in West Covina should be converted in August or early September.

Chief Turner said that the Sierra-South is running close to normal of the number of fire for the season. He referred to the list of fires from his report. There was a fatality of a CCC inmate working on the Los Angeles County fire crew. He would report more when the facts are known. He said that the largest fire was the Spanish fire that occurred in Santa Barbara County with about 15,000 acres burned.

REPORT OF THE USDA FOREST SERVICE

Ms. Karen Barnette, Assistant to the Regional Forester, said that the Draft Sierra Nevada Framework Project EIS would be out before the end of the month. She then invited the Board to attend the upcoming "Sierra Nevada Old-Forests Workshop" scheduled for August 24 and 25, 1999, at UC Davis which is sponsored by the Framework Project. She said that there would discussion on how to maintain old forests.

Ms. Barnette reported on the Herger/Feinstein Quincy Library Group Legislation. The EIS is under the congressional mandate schedule of having an EIS signed and record of decision within 300 days of the Legislation being passed. The comment period has been closed and that EIS should be out by the end of August 1999.

Ms. Barnette said that the USDA Forest Service budget has not passed the Senate floor yet, but knows that there is still a reduction showing. By next month there will be more information available.

Ms. Barnette then referred to the fire season. The Spanish Fire is by far the biggest the USFS has dealt with to-date. The high hazard season is coming and the USFS is as ready as it can be. She then said that the Multi-agency Reporting Incident System support is continuing. She said that BLM has been open about its responsibility on the Lowden fire. The USFS is spending a lot of time with the revisions to Title 17 of the State Air and Smoke regulations. The USFS has signed a Memorandum of Understanding with the Air Resources Board that will include some research projects. They believe that to be an important step in improving relationships.

Ms. Barnette said that the USFS is looking for demonstration projects that would help with Watershed Health and Restoration. In California, there are three restoration projects the USFS is looking at; the Modoc; Lassen; and possibly on the Stanislaus. She then said that the draft long-term road policy and the new planning guidelines should be out in August.

ADVISORY COMMITTEE REPORTS

CALIFORNIA FOREST PEST COUNCIL (CFPC)

Mr. Scott Johnson, Chairman of the CFPC, provided the Board with handouts. He said that the Weed Committee had its Annual Field Tour on June 21 and 22, 1999, in the Sonora area. Re-forestation projects on Sierra Pacific Industries lands and the Stanislaus National Forests. The tour focused on reforestation, re-vegetation and vegetation management issues. He commended Sierra Pacific Industries on its seed stock program. Mr. Johnson said that the Weed Committee had a couple of stops dealing with noxious weeds, which is a very important issue. There was a presentation by the Agriculture Commissioner in Tuolumne County regarding Central Sierra Partnership Against Weeds (CSPAW). This is one of twenty-three cooperative weed management

areas that have been established throughout California that deals with invasion of obnoxious and alien weeds.

Mr. Johnson said that the Committee also visited a number of PG&E sites reviewing line service and vegetation management efforts. He then referred to his handout about the new pests threatening urban Eucalyptus. The Eucalyptus was once thought to be pest-free, but now they are plagued by a growing number of serious new insect pests. He reviewed the handout for the Board.

RANGE MANAGEMENT ADVISORY COMMITTEE (RMAC)

Mr. Tom Randolph, Secretary for RMAC, provided the new members with some background of the RMAC. He then said that RMAC last met on July 22 and was briefed by the Regional Range Manager of the USFS on the Sierra Nevada Ecosystem project. It is changing the entire ecosystem on the National Forests.

Mr. Randolph said that the Noxious Weed Sub-committee is meeting with the Department of Food and Agriculture and CDF's Legislative office to work on a strategy on AB 1168, the Noxious Weed Legislation.

Mr. Randolph then said that the Vegetation Management Sub-committee is working with the Regional Air Boards on standards implemented on vegetation management burns.

PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFE)

Mr. Daniel R. Sendek, Executive Officer for Professional Foresters Registration, said that the PFEC met last month. There were three issues that the Committee dealt with. Ethics and Business Practices was the first issue and it was decided that the PFEC would tackle the issue under consumer education and the need for full disclosure by the RPF. The next item that was discussed was a continuing review of the RPF examination questions. The PFEC has instructed him to write a proposal to contract with the University system to write questions and will present the draft to the PFEC in September.

Mr. Sendek then explained a problem with the MOU between Region 5 of the USFS, and the Board. It has been 18 months and still not solved. It was decided to meet with the Acting Regional Forester on August 25, 1999. Member Heald and Mr. Sendek will attend in an effort to resolve the issue.

Mr. Sendek said that the 1600 Rules package has gone to the Office of Administrative Law (OAL). OAL has 30 days in which to approve the package, and then the package goes into effect.

Mr. Sendek said that the two-year renewal period for Licensed Foresters has just been completed.

Mr. Sendek then referred to the RPF Vital Statistics under Tab 7 in the Board's binder and read the names and required actions into the record. The first was an application for Certified Rangeland Manager. The PFEC has reviewed the application and recommends approval.

99-08-3 Mr. O'Dell moved to approve Mark Collins as CRM 76. Mr. Heald seconded the motion, and all were in favor.

99-08-4 Mr. Heald moved to approve the Reinstatement from withdrawal Ann Ahokas-Worel, RPF 2471; and Robin Vora, RPF 1952. Mr. Flynn seconded the motion, and all were in favor.

99-08-5 Mr. O'Dell moved to accept the request for license Withdrawal of Joseph Holmberg, RPF 289; James J. Schellenger, RPF 2099; Richard Stauber, RPF 403; Robert Willhite, RPF 1711; and Lawrence J. Wright, RPF 1387. Mr. Heald seconded the motion, and all were in favor.

99-08-6 Mr. O'Dell moved to accept the Voluntary Relinquishments of John Ellis, RPF 447; Rodney Hannon, RPF 539; Don Petersen, RPF 608; Raymond Stahl, RPF 393; and Clinton Tripp, RPF 833. Mr. Flynn seconded the motion, and all were in favor.

Mr. Sendek then noted the passing of Dan Allwardt, RPF 390.

PRESENTATION FROM PACIFIC LUMBER COMPANY ON WATERSHED ASSESSMENT IN FRESHWATER CREEK AND ELK RIVER

Mr. John Campbell, President and Chief Executive Officer of the Pacific Lumber Company (PL), provided the Board with information regarding PL. He referred to the agreement for the purchase of the Headwaters. He said that PL agreed to develop a Habitat Conservation Plan (HCP) and a Sustained Yield Plan for its remaining 211,000 acres. He said that the HCP includes the strongest environmental protections ever agreed upon for private timberlands.

Mr. Campbell said that the watershed analysis has begun in Freshwater Creek in an effort to analyze current scientific data. PL anticipates completing the Freshwater Creek assessment in the fall and beginning the Elk River analysis early next year.

Mr. Campbell expressed concern over the difficulties facing PALCO employees. There will be more layoffs if PL is not allowed to implement the HCP as agreed upon. He said that PL believes that it has produced credible scientific evidence that supports its position that its logging activity in the Freshwater and Elk River watersheds is not a significant contributor to the frequency or intensity of recent flooding.

Dr. Jeffrey Barrett, Director of Fish and Wildlife Programs with the Scotia Pacific Holding Company, provided a slide presentation for the Board. The presentation focused on Habitat Conservation Plan, the Watershed Analysis, and the Flooding Assessment.

Mr. Campbell said that PL is aggressively addressing environmental issues on its ownership and striving to achieve the balance between environmental protection and the continued economic viability of the company, its employees, and the community. "It is for these reasons that we cannot agree to the Board's request that we voluntarily halt harvesting in the Freshwater Creek and Elk River watersheds. I once again urge the Board to rescind its request and invite your constructive participation in this unprecedented effort."

Mr. Jan Kraepelien, resident of Freshwater, commented on the presentation by Pacific Lumber. He read from the UC Extension Team's Analysis. He said that the residents of Freshwater are asking PL to cease logging operations. Mr. Kraepelien that the tree sitter says that more trucks have been going into the area of Headwaters. He said that they do believe that the Board has the authority to issue a Stop Work Order (SWO). If the Board cannot, the Freshwater Working Group requests that the State Attorney General seek a Temporary Restraining Order (TRO). He then read from Dr. Leslie Reed's report.

Ms. Deborah Barnes, Deputy Attorney General and Counsel for the Board, said that the Department has the authority to do a SWO, the Board does not.

Mr. Young asked if they were asking for a TRO until winter.

Mr. Kraepelien said that they want the TRO until the analysis is complete.

Ms. Traci Thieli provided the Board with a newspaper. She then read her statement into the record. Ms. Thieli said that PL is not collaborating with the community. The cumulative impacts are not being addressed and public input is being ignored. There is a need to see the data before it can be analyzed. She said the fisheries consultant has been denied data. Ms. Thieli said that CEQA is not covered under the HCP.

Mr. Mark Rentz, California Forestry Association (CFA), said that PL is a member of CFA and expressed concern that the letters from CDF could affect the HCP and the SYP process. He said that further restrictions go beyond the Agreement. CFA urges the Board to reject the SWO and encourage the Board to rescind its letter to PL.

Ms. Cynthia Elkins, Environmental Protection Information Center (EPIC), said that the science is dubious. She reviewed several areas she believes to be misleading within the PL report. She then provided a copy of the Reid report to the new members and read parts of that report into the record. She then urged the Board to address these concerns.

Mr. Kent Stromsmoe said that the issues in the watershed are irrelevant to the HCP. It is an issue of health and safety.

Mr. Richard Gienger responded to the UC Executive summary of the Team's report. He said that there are no-cut buffers in the HCP. No facts are presented. Perhaps CDF should limit silvicultural activities. He questions whether the plans break rules. He wants inspection of moratorium plans to see if there are problems. He asked that the Director request and inspect THP's already approved.

Mr. Ross Johnson, Deputy Director for Resource Management, said that from the Department's standpoint, PL provides weekly reports, the Department has received the UC report and has requested that the watershed analysis be completed. The Department is still holding plans in the Elk River watershed.

Mr. Jim Adams, Pacific Lumber Company, reviewed the operations listed in the petition. He said that four plans are still in operation with one or two weeks of volume still on them. The storm proofing is being done on "as soon as possible" basis. He said that all of the "as soon as possible"

sites were established using Weaver and Hagens method. He then listed the THPs where operations have not yet occurred.

Ms. Deborah Musick said that since the July meeting, logging has increased. THP 514 begins operations at 5:00 a.m. The residents drive through every day and can see what is going on. There is an increase in falling and yarding, and fuel trucks go by daily.

UPDATE FROM THE DEPARTMENT ON THE JACKSON DEMONSTRATION STATE FOREST (JDSF) HABITAT CONSERVATION PLAN (HCP), SYSTAINED YIELD PLAN (SYP), AND MANAGEMENT PLAN

Mr. Ross Johnson, CDF Deputy Director for Resource Management, said that the Department is changing direction with this item and would update the Board from time to time. He said that each of the Demonstration Forests has a management plan. There is an advisory committee in the Soquel. He then asked Mr. Rea to elaborate.

Mr. Jonathan Rea, CDF, State Forest Program Manager, provided the Board members with a reference binder and a short presentation on the status of the Jackson Demonstration State Forest HCP, SYP, and the Forest Management Plan. The areas on the JDSF that were of concern were identified. Plant and wildlife species were also identified. The Department is going to turn its attention on the Jackson Management Plan at this time. The draft HCP/SYP will be placed on the Department's Web page. The Department is making a special effort to keep the public informed.

STANDING COMMITTEE REPORTS

INTERIM COMMITTEE

Mr. Heald, Chairperson for the Committee, said that the proceedings were recorded for review by Board members not in attendance.

Mr. Heald said that the Division of Mines and Geology provided an update on the Deliverables of Geologic Feature Mapping Project and discussions with the Board of Registration for Geologists and Geophysicists on the role of the RPF relative to geologic considerations associated with timber harvesting. DMG also described the work accomplished in developing a revision to Note 45 regarding geologic considerations for reviewing THPs. Comments on the revisions should be submitted by August 30. The final version would be ready for the October CLFA workshop.

Mr. Dan Sendek, Executive Officer for Licensing, provided the Committee with a summary of the ongoing work relative to the "checklist" for RPFs.

Mr. Heald said that there was some discussion on the RPF checklist as well as other ongoing projects including the geologic history of the Freshwater Creek and the Noyo watersheds as well as more detailed mapping of areas with Soquel Demonstration State Forest. He requested that information regarding the Freshwater Creek watershed be forwarded to the UC Team for review.

Mr. Heald said the next discussion was on the proposed rules for Threatened and Impaired Watersheds. The Department presented the Committee with some optional language to consider in

its review of the proposed rules. Several options were considered including those presented by DFG and the Sierra Club. There was extensive discussion including input from the public. Representatives from the Science Review Panel provided clarification on several topics. There was concern expressed that the scope of the proposal was unclear regarding how much of the state would be affected and what is the extent of the area that would be protected in any THP. Mr. Heald said that the Committee would review the package along with the information and comments presented by the next committee meeting.

Mr. Heald said that there was discussion of the proposed amendments in “Coho Considerations” rules proposal. The Committee received a summary of the issues addressed in the proposed rules. There were several comments regarding the foresters’ need for additional training in order to adequately address the issues that need to be addressed during the preparation of THPs.

Mr. Heald said that there was discussion of concerns regarding the burning of logging slash in the Gualala River Watershed. There was a slide presentation for the Committee showing the impacts of clear-cutting, broadcast burning, and the use of herbicides. There was much concern among some groups in Sonoma and Mendocino Counties regarding the impacts to the resources. CDF also presented information to the Committee describing the Department’s review of several sites that had been identified by the public.

Mr. Heald said that the next item for discussion was the Santa Cruz County request for special local rules. The discussion focused on the difference between the rules presented by Santa Cruz County in September 1999 and the proposal for rules before the Board at this time. There was discussion of the field trip scheduled for August 26, 1999.

Mr. Heald said that there was some discussion regarding the application of Title 14 CCR, having to do with the rehabilitation of understocked area prescription. Concerns were expressed that the rules, which allow for rehabilitation of understocked timber stands, were not meeting the intent of the Forest Practice Rules. CDF indicated that it has been looking into this issue and would be able to more adequately address it during the Committee’s November meeting.

REVIEW OF DRAFT INITIAL STATEMENT OF REASONS AND DRAFT 45-DAY NOTICE

Mr. Dennis Hall, Regulations Coordinator, introduced the topic and reviewed for the Board the Draft Initial Statement of Reasons and Draft 45-Day Notice of the Coho Considerations.

Chairman Kerstiens asked about the timetable of the notice.

Mr. Hall said that the publishing date would be August 20, 1999, with a hearing on October 6, 1999.

99-08-7 Mr. Young moved to approve the Statement of Reasons and the 45-Day Notice as amended. Mr. Marckwald seconded the motion, and all were in favor.

PUBLIC FORUM

Ms. Elizabeth Wilson expressed concern about an NTMP that was filed adjacent to her ownership. She believed that since the Board made the rules that it could help her in this matter.

Ms. Deborah Barnes, Deputy General Attorney and Counsel for the Board, explained that the Board's responsibility and how it differs from those of CDF.

Mr. Dean Lucke, CDF, said that the Department does not get involved with easements.

Mr. Mark Morganthaler said that this issue comes up in Santa Cruz County. The Planning Department has the same position. He believes that the Department could take a more active role.

Mr. Young said that she could petition the Board to adopt rules.

Mr. Johnson, CDF, said that the plan has not been approved.

Mr. Mark Rentz, California Forestry Association said that CFA would like to have Ray Quintanar come to the Board. He would like Mr. Quintanar address the demographics of the fire fighting resources of the USFS. CFA would like to hear how the Forest Service is going to deal with air quality issues as well.

Chairman Kerstiens asked CFA if they were asking the Forest Service to make a presentation to the Board?

Mr. Rentz said that they were.

Mr. Mark Morganthaler addressed the Santa Cruz Rules Package. It is an urban forest boundary issue. He said that the rules do not take timber out of production.

Ms. Kathy Bailey, said that CDF is moving in a very good direction addressing State Forest issues.

Director Tuttle said that the Department has a budget change proposal for a reinvestment program into state forests.

Mr. Jan Kraepelien said that the Watershed analysis is a benefit to everyone. If the company wants to get the community involved, you need a little time.

Mr. Richard Gienger said that the Board should encourage the Department to conduct inspections of Freshwater Plans. He then provided a handout about Bear Creek and showed some transparencies to the Board.

JOINT BOARD OF FORESTRY AND FIRE PROTECTION AND FISH AND GAME COMMISSION

COMMISSION MEMBERS IN ATTENDANCE:

Richard T. Thieriot, President
Michael Chrisman, Vice President

Douglas B. McGeoghegan, Member
Robert R. Treanor, Executive Director

DEPARTMENT OF FISH AND GAME:

Robert C. Hight, Director

REPORT OF THE EXECUTIVE SESSION

Chairman Kerstiens reported that the Board met in Executive Session to discuss pending litigation under Section 11126 (e) of the Government Code and matters related to Foresters Licensing under Section 11126 (c) 1, 2, and 3 of the Government Code.

Daniel Sendek, Executive Officer for Licensing, said that during Executive Session, the Board received some facts related to Professional Foresters Registration disciplinary case number 240. The PFEC believes that the RPF was at least partially responsible for the modification of an archaeological site, recommended a Private Board Reprimand pursuant to its authority under Public Resources Code Section 777. The alleged failure was associated with one emergency notice and one THP. The PFEC investigation and evaluation sustained the allegation relative to the failure associated with the Emergency Notice. It was determined that the RPF was at least partially responsible for the modification of the archaeological site. However, on the recommendation of the PFEC, the Board chose a lesser level of discipline due to the mitigating factors. Notification of this action and the facts of the case will be published in the Licensing News without disclosure of the RPF's identity.

Christopher Rowney, Executive Officer of the Board, said that the Board also deliberated on case number 217, RPF Scott Feller. Staff was directed to prepare draft findings and resolution to the matter based on those deliberations. The draft findings will be reviewed and final action may be taken during closed session at the next regularly scheduled Board of Forestry and Fire Protection meeting.

Chairman Kerstiens introduced the Board members to the Commission

Christopher Rowney then introduced Board staff.

Richard Thieriot, President of the Fish and Game Commission, introduced the members. He then expressed appreciation to Frank Boren, former Fish and Game Commissioner, for his many years of service and all of his contributions.

Mr. Art Baggett said that he has been on the State Water Board for two months, appointed by Governor Davis, and the Water Board shares a lot of common ground with both the BOF and the F&GC. The Chairman of the Water Board appointed me as the liaison between the Fish and Game Commission and the Water Board. He reviewed his background and said that he looked forward to working both with the Board and the Commission.

REPORT OF THE DIRECTOR OF FORESTRY AND FIRE PROTECTION

Director Tuttle welcomed the Commission and said that the Joint meeting is a good tradition and that there is a real need for cross communications. There are two main portions to CDF as a department; fire protection and enforcement of regulations for timber harvesting operations through the Forest Practice Act and the Forest Practice Rules. She then reviewed the Department's goals and said that one of the most important things is to restore public confidence. Her goal is to raise the level of discussion between the public and the Department. There is a real need to acknowledge good timber management where it does occur and encourage that to continue. She said that there is a much better relationship between the State and Regional Water Boards, NMFS, and the Fish and Wildlife Service. The Governor's budget has provided the Department with tools that it has not seen for many years and the staff to do the job. The Department is working on training programs as well as cross training in an effort for better understanding the management philosophies of each agency. There is a need for some additional improvement to the Forest Practice Rules. CalEPA and the Resources Agency have offered a rules package proposal to the Board of Forestry and Fire Protection regarding following up on the listing of Coho salmon. The Department is asking the Board to make some kind of decision by October meeting due to the statutory requirements.

Director Tuttle said that DFG and CDF are working on a number of cooperative programs for an approach to provide watershed assessment. CDF is looking for better information on cumulative impacts on a watershed basis so that better assessments can be done. She welcomed the Commission and said that she looks forward to working with both the Board and the Commission.

REPORT OF THE DIRECTOR OF THE FISH AND GAME COMMISSION

Director Robert Hight of the Department of Fish and Game, said that it is a brilliant idea to meet together in an effort to foster communication and understanding. The more communication the better to meet common goals and interests. He then reviewed the Commission's short and long-term goals: Improve customer service between the Department of Fish and Game and the State Lands Commission; greater collaboration between government and other agencies; develop a positive relationship with stake holders including the Department of Food and Agriculture; land acquisition; and base decisions on sound scientific principles.

Director Hight then discussed budget and personnel items. The Department of Fish and Game has 24.5 new positions for North Coast THPs. It also received 8 million dollars from the General Fund for Salmon Habitat Restoration Grants; and 2.5 million for streambed alteration agreement processing. The DFG also received 10 new Fish and Game Wardens. DFG is working with BLM and State Lands Commission collectively to form a unit to manage the land as a cooperative hoping to solve management issues.

BOARD OF FORESTRY AND FIRE PROTECTION AND THE FISH AND GAME COMMISSIONS' SUBCOMMITTEE REPORT

Mr. Michael Chrisman said that there is a need to keep lines of communication open and to schedule annual meetings. He said that the Subcommittee meetings would continue.

Mr. Chrisman then said that an important issue is the bear depredation problems. He said that he and member O'Dell went on a tour of the Simpson lands to view this damage. It has a significant

impact on trees. Simpson has increased the bear taking on its lands, which has helped, but there is still a problem.

Mr. O'Dell said that the bear damage item has been a troubling issue. He said that on the bear tour, they spent time on other lands as well. The bears are causing havoc on stands of Douglas-fir and redwood. There is a need for answers and alternatives.

Mr. Heald asked about the extent of the damage.

Mr. O'Dell said that within some stands 20 to 70 percent of the trees may have some kind of bear damage.

UPDATE ON STATUS OF 1603 PROCESS FOR LAKE AND STREAMBED ALTERATION

Mr. Jim Steele, Department of Fish and Game, provided an update on the 1603 Process. He said that the Process is 30 years old and, as of May 1, 1999, the Process is fully compliant with CEQA. DFG took the stream bed alternative process and made a consistent format statewide by developing some rules and guidelines. He then provided a flowchart of the Process.

There was some further discussion.

Mr. Steele said that when the notification comes in and the Agreement is signed, that is when CEQA comes in. He said that CDF was going to hold some workshops for the foresters. DFG has a Web-site and people are using it.

Mr. O'Dell asked about the process time.

Mr. Steele said that the previous process time was 30 days. Now, the 30 days is for the CEQA document with an additional five days if DFG is not the lead agency.

Mr. Ross Johnson, CDF Deputy Director for Resource Management, said that the 1600 process for timber landowners and their THPs has been a real concern for the Department. The THP process is one that CDF is attempting to combine those two processes. There are a number of questions that have to be answered during the THP review and if they can answer those, they have already met the CEQA requirements. CDF does not cover every 1600 that a timber landowner has. It does look at every crossing in the THP review. Questions are now asked ahead of time, which adds 20 to 35 days to the review process.

Mr. Richard Gienger said that the process is tied to the Monitoring Study Group. He expressed concern about incorporating CEQA in the process. Mr. Gienger said that he does not believe that the changes bring 1600s into conformance with CEQA. CDF and landowners now decide what needs 1603, DFG should be the lead agency. He said that the monitoring study report shows that most crossings are in need of repair.

REPORT OF THE MONITORING STUDY GROUP (MSG)

Mr. John Munn, CDF Watershed Specialist, gave the report for the MSG. He provided the Board and the Commission with some background on the MSG that was formed in 1977. The initial task of the MSG was to develop a monitoring program required by the federal Environmental Protection Agency (EPA) for certification of the Forest Practice Rules (FPRs) as Best Management Practices (BMP) under the Clean Water Act.

Mr. Munn provided an overview of the MSG activities from 1993-1999 for the Board and Commission. He then said that the long-term Hillslope Monitoring Program was started in 1996 and a pilot cooperative instream-monitoring project was initiated in the Garcia River Watershed. In 1997, a watershed assessment and instream monitoring plan for the Garcia River project was written. Hillslope monitoring provides immediate feedback to resource managers. In 1997, 1998, and 1999, 50 randomly located THPs were evaluated each year throughout the state. The 1999 work is still in progress. He then referred to the MSG Interim Hillslope Monitoring Program Results that came out in June 1999. The report is "interim" because data is still being collected and further data analysis will be conducted.

Mr. Munn summarized the MSG Findings and Recommendations for the Board and the Commission. He then said that the MSG is preparing a draft Strategic Plan that includes a mission statement, description of monitoring program, trends, key strategic issues, goals, and objectives. The MSG goal is to have the draft Strategic Plan by the end of this year. The rationale for elevating the MSG to a Board Standing Committee will be included in the Strategic Plan.

Mr. Thieriot said that he was very impressed with the MSG report.

Chairman Kerstiens said that the Board is considering making the MSG a standing committee of the Board.

There was some further discussion.

Mr. Richard Gienger said that there needs to be a task force to address the design, construction, and maintenance of crossings. He believes that the monitoring rate is too slow and a technical team is needed to address watercourse and crossing issues now.

CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION AND DEPARTMENT OF FISH AND GAME REPORTS ON PROGRESS ON JOINT POLICIES

Mr. Marty Berbach, Department of Fish and Game, reported on the Coho Joint Policy and the Joint Pre, During, and Post Fire Policy. He said that the Pre, During, and Post Fire Policy was adopted in May 1994. He provided general background for the Board and Commission. Both the Commission and the Board have mutual interests in the management of pre, post, and during fire issues. It has specific guidance and identifies responsibility. The DFG and CDF held workshops on fire safety and ecology. There have been rehabilitation efforts. DFG has worked with CDF on specific issues in developing the Fire Plan. CDF assistance to DFG and local agencies for fire safety and prevention standards under the State's Natural Community Conservation Planning program (NCCP). He then referred to the April 5, 1999, report and reviewed it for the Board and the Commission. There was no need for collaboration between the Departments on post-fire activities during the 1998 fire season. For future activities, DFG plans on training its land

management staff in fire safety and prescribed burning. CDF will customize a course for land staff.

Mr. Berbach said that DFG is providing staff with comprehensive training courses through the Department of Parks and Recreation. The courses will include fire effects, monitoring, safety and prevention, prescribe burning, and the Incident Command System. He said that the Department of Fish and Game recognizes the need to strengthen the communications with CDF. DFG believes that the Joint Policy works and there is no need to revisit it. Adequate staffing and training would insure the implementation of the Joint Policy.

Chairman Kerstiens said that the major concern was to keep the communication open. He said that it is important to have a representative from DFG on the Incident Command Team.

Mr. Dean Lucke, Assistant Deputy Director for Forest Practices, said that CDF has no changes to the Fire Policy.

Mr. Robert Treanor, Executive Secretary, said that there would have to be a BCP for additional staffing.

UPDATE ON INTEGRATED RANGE AND HARDWOOD MANAGEMENT PROGRAM

Ms. Adina Merenlender, UC Extension, provided the Board with an update on the Hardwoods program. She said that it was established in 1986 to address the sustainability of California's Oak woodlands. It is a joint program between UCE, CDF and DFG that focuses mostly on the Coastal areas. They are using research and education. She then said that they have the "Oaks and Folks" newsletter that is distributed to over 5000 landowners and managers. Also the program has over 2800 user hours during this past year on its Web site. There have been over 250 scientific publications addressing Oak regeneration, rehabilitation, and policies. She then provided the Board and Commission with a handout and reviewed it with them.

Mr. Barry Garrison, Senior Wildlife Biologist with the Department of Fish and Game (DFG), provided some background on the hardwood program. He said that there are about 30-40 species of hardwood tree species in California. Most of the Oak woodlands are in private ownership. He said that he believes that the Joint Policy works and provides broad latitude. He then stressed the importance of the Joint Policy.

Mr. Garrison said that DFG has worked closely with the Sierra Nevada Framework effort. He said that the DFG has also worked with the Integrated Hardwood Resource Management Plan (IHRMP). Valley Oaks are most threatened by urban development. DFG has helped to develop hardwood management guidelines for northwestern California, and a draft conservation strategy to deal with Oak woodlands in vineyard landscapes. He said that there are a lot of branches that work with hardwood dominated areas. The Central Valley and Bay-Delta branch has been looking at reservoir development that would affect 6500 acres in the Sacramento and San Joaquin Valleys,

and trying to develop a conservation strategy plan that would deal with that amount of loss to Oak woodlands.

Mr. Garrison said that DFG relies on CDF for Monitoring. He discussed DFG's timber harvest assessment program, which has been active in trying to get hardwood conservation into individual THPs as well as SYPs and HCPs.

Mr. Garrison then addressed some efforts by DFG that do not fall under the Joint Policy.

Chairman Kerstiens said that firewood cutting was a big problem in some of the rural areas. He believes that local government should be doing a better job regulating their oak woodlands to address the urbanization issues. He said that possibly the Joint Policy could be updated to reflect some of the issues of today.

There was some further discussion.

Ms. Janet Cobb, Executive Officer of the California Oak Foundation, provided the Board with several handouts and reviewed them. She said that the Oak Foundation has succeeded over the last 10 years in educating people to the importance of Oak woodlands. She said that there is no need to lose our ecosystem if people work together. She said that the Foundation has gone from education to asking timber landowners, ranchers, and farmers what their biggest problems were. Estate tax planning could force them to conversions was the highest concern facing these landowners. The Foundation has been working toward an incentive program through estate tax planning and conservation easements. She said that the Foundations have conducted about 10 workshops throughout the state. Ms. Cobb believes that there is a need to list Valley Oaks as a sensitive species.

Mr. Marty Berbach, DFG, addressed the Joint Policy on Coho Salmon. He said the Coho Joint Policy was adopted by the Fish and Game Commission and the Board in May 1994. He said that the Department of Personnel should cooperate with the state and federal agencies, landowners, academic institutions, and the public to craft a management strategy. A comprehensive strategy should be coordinated with the National Marine Fisheries Service (NMFS) and staff should report progress during every Joint Session.

Mr. Berbach said that the last report from the Department of Fish and Game was dated August 1998 in anticipation of a Joint Session. He reviewed that report for the Board and the Commission. In December of 1995, the Fish and Game Commission listed the Coho Salmon south of San Francisco as Endangered. The NMFS listed Coho as Threatened on the central Coast ESU in December 1996, and the southern Oregon/northern California ESU as Threatened in June 1997.

Mr. Berbach said that in December 1998, the Department of Fish and Game entered into a Memorandum of Agreement with the NMFS on Steelhead trout. The agreement makes needed modifications and adaptive changes to harvest measures and policies, hatchery policies and habitat and population and monitoring programs. He also reviewed the Coastal Restoration Program for the Board and the Commission.

Mr. Berbach said that the Department of Fish and Game supports the Agency Rules Proposal. He said that DFG is sponsoring 3 scheduled Watershed Academies.

Mr. Berbach said that DFG believes that the Joint Coho Policy is outdated. He said that multispecies revisions are needed and a broader scope.

Chairman Kerstiens said that the Board and Commission should meet more often and put some updates on the Hardwood and Coho Policies. He suggested that it be a charge to the Board and the Commission.

Director Tuttle explained the idea of the Watershed Academy for new members. It was started to bring a common understanding and basic education to the specialist groups and to what was needed for stream restoration. She suggested the DFG add a basic silvicultural unit to its workshop agenda.

Mr. Joe Blum, NMFS, said that the NMFS has a listing of the Chinook salmon that will be announced before Labor Day. The DFG was very active in the review of the Chinook proposals and that participation was very helpful. He then said that the NMFS has proposed a listing of the lower Columbia Coastal Cutthroat Trout and its proposing to delist the Umpqua River Cutthroat Trout. That will be the end of first round status reviews. There will be a continuing process, but the initial listing phase should be complete by early 2000. The NMFS will then go into the 4(d) Rules, Critical Habitat, and the recovery process. There has been a good working relationship with the agencies and the departments in California.

Mr. Blum said that the NMFS has had an opportunity to work within a free forum on the Agency proposal. It has been very helpful. He then thanked the Department, the Board and the Commission for opening up the process and provided an opportunity for this communication.

Mr. Blum said that an HCP has been signed as of March 1, 1999, with Pacific Lumber Company. The implementation stage will now begin for the 200,000 acres plus that was not a part of the Headwaters Agreement. NMFS is going through a learning phase, but everyone is at the table and trying to resolve issues at the local and regional levels.

Mr. Blum then expanded on the MOA. He said that one of the listing actions that were not taken in California was on the northern California and the Klamath Mountain province Steelhead. Part of the reason was an agreement between the NMFS and the State of California in an effort to improve the situation for Steelhead in those areas. That agreement will have to be revisited since none of the signees are still here.

Mr. Blum said that there are a number of reports coming out all the time on salmonids. The ocean is an important part of anadromous fish habitat. A broad scientific study is going on in the ocean to get a better picture of the role of the ocean.

Mr. Richard Theriot, President of the Fish and Game Commission, said that he was coming to the end of his term as Commission President and that this would be his last Joint meeting. He said that the history of the Fish and Game Commission has been dramatic over the last few decades. Over the last few decades the population of our state has exploded and now it is clear that Californians are more concerned about the preservation of the habitat and wildlife it contains. He said that putting new regulations in is not enough. He then said that the anadromous fish, hardwoods, and fire issues are the most important. Protection of Class III streams is very important.

Mr. Theriot said that the F&GC would like to see more restrictions in terms of timber harvest, more buffers and more woody debris for the streams. The problem is that we should not wait. The hardwood issues continue to fall under extreme pressure. It is time for a more aggressive approach. California has had and is facing awesome population growth. He then said that CDF could be more aggressive in encouraging control burns.

Mr. Robert Treanor, F&GC said that he would like direction from the Board and the Commission. He said that we are already planning next year's meeting for May and asked of the Board and Commission if they wanted to go back to Bass Lake and do the field trips that were planned but had to be cancelled.

Chairman Kerstiens said that he believes that it is necessary to meet twice a year.

REPORT OF EXECUTIVE OFFICER OF THE BOARD AND EXECUTIVE DIRECTOR OF THE COMMISSION

Mr. Christopher Rowney, Executive Officer for the Board, reported on Legislation. reported on Legislation. He then said that there would be a Field Trip in Santa Cruz on August 26, 1999, and that a notice would be forthcoming.

Mr. Rowney said that there was an agency representative only meeting, which was followed by an open workshop regarding the CZARA requirements for non-point sources of pollution. He said that a copy of the CZARA report has been sent to the Board.

Mr. Rowney said that the Board received the proposed modification to the Forest Practice Rules and that the Water Board knows that it is not possible to take action this year.

Mr. Rowney then read two resolutions into the record for former Board members Richard Rogers and Dale Geldert.

99-08-8 Mr. Heald moved to approve the resolutions as read. Mr. Flynn seconded the motion, and all were in favor.

Mr. Flynn said that this year and next there will be drastic changes being made in the timber tax laws.

Mr. Rowney said that the September Board meeting would be held on August 30, 31, and September 1.

Mr. Young requested that CDF provide field inspection reports on the THPs within the Freshwater and Elk River watersheds.

Mr. Dean Lucke, CDF, said that he would get the information and report back to the Board. He then explained the inspection process.

There was some further discussion.

NEW AND UNFINISHED BUSINESS

Mr. Richard Gienger suggested that all reports on active THPs include a map. He said that he appreciates member Young's request for additional information.

Mr. Lucke said that he would provide what the Department has in its GIS system.

Ms. Deborah Barnes, Deputy Attorney General and Counsel to the Board, said that it appears as if two things are being asked of the Board. Specific information on specific plans. It also sounds as if the Department has a fairly good idea of what that request is. Mr. Gienger is also making a request to the Department for certain information regarding THPs, and perhaps a Public Records Act request that would need to go through the proper channels to insure that the proper information was being released and that the Public Records Act was being complied with.

Mr. Young suggested that he amend the request.

Mr. Lucke said that he would make a copy of the every map as it appears within the THP that the Department looks at.

ADJOURNMENT

Chairman Kerstiens said that the August 1999 meeting was adjourned.

Respectfully submitted,

ATTEST:

Christopher P. Rowney
Executive Officer

Robert J. Kerstiens
Chairman

Copies of the attendance sheet may be obtained from the Board office.